

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 10th day of
January, 2018.

In the Matter of the Application of Ameren Transmission)	
Company of Illinois for a Certificate of Public)	
Convenience and Necessity Authorizing it to Construct,)	
Install, Own, Operate, Maintain and Otherwise Control)	<u>File No. EA-2017-0345</u>
and Manage a 345-kV Electric Transmission Line from)	
Palmyra, Missouri to the Iowa Border and an Associated)	
Substation Near Kirksville, Missouri)	

ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT

Issue Date: January 10, 2018

Effective Date: January 20, 2018

On September 15, 2017, Ameren Transmission Company of Illinois (“ATXI”) applied to the Commission for a certificate of convenience and necessity (“CCN”) to build the above-referenced project, also known as “The Mark Twain Transmission Line Project” (or “the Project”).¹ With the application, ATXI also filed direct testimony.

The Project is planned to go through the counties of Marion, Knox, Adair, Schuyler and Lewis, mostly via existing transmission easements owned by Northeast Missouri Electric Power Cooperative and Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”). ATXI submitted proof that all of those counties, as well as the City of Kirksville, Missouri, assent to ATXI building the Project.

¹ The Project has the same name, but different route, than the transmission line ATXI proposed in File No. EA-2015-0146. The Commission approved that application, but the Court of Appeals vacated that order due to ATXI not acquiring county assents prior to applying at the Commission. See *In the Matter of ATXI v. Neighbors United*, 523 S.W.3d 21 (Mo.App. W.D. 2017).

The Commission issued notice of the application, and the Commission received intervention requests from Midcontinent Independent System Operator, Inc.; Ameren Missouri; Neighbors United Against Ameren's Power Line ("Neighbors United"); International Brotherhood of Electrical Workers; AFL-CIO; Local Union No. 2; and Wind on the Wires. The Commission granted those requests.

On December 1, 2017, Neighbors United asked to withdraw as a party, stating it did not object to the Commission granting ATXI the CCN. The Commission granted Neighbors United's request on December 4, 2017.

On January 5, 2018, the remaining parties filed a Unanimous Stipulation and Agreement ("Stipulation"). The parties agree that ATXI should receive the requested certificate, subject to certain conditions.

Due to the Stipulation, this case may be decided without convening a hearing.² Also, the Commission need not separately state its findings of fact or conclusions of law.³

Based on the Commission's impartial and independent review of the application, supporting testimony, and the Stipulation, the Commission finds ATXI is engaged in the construction, ownership, and operation of interstate transmission lines that transmit electricity for the public use. Thus, ATXI is an electrical corporation and a public utility in Missouri, and the Commission has jurisdiction over ATXI and the Project.⁴

Furthermore, the Commission may grant an electrical corporation a certificate of convenience and necessity to operate after determining that the construction and operation are either "necessary or convenient for the public service."⁵ The Commission has stated

² Section 536.060 RSMo 2016.

³ Section 536.090 RSMo 2016.

⁴ Although not requested, because the parties have arrived at the Stipulation, the Commission will cancel its November 30, 2017 Order Setting Procedural Schedule.

⁵ Section 393.170, RSMo 2016.

five criteria that it will use when considering an application for certificate of convenience and necessity:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed service;
- 3) The applicant must have the financial ability to provide the service;
- 4) The applicant's proposal must be economically feasible; and
- 5) The service must promote the public interest.⁶

The Project is needed to integrate wind energy in Missouri and to assist Missouri public utilities in complying with Missouri's Renewable Energy Standard. ATXI is qualified and financially able to build the Project. The Project is economically feasible because Ameren Missouri customers should receive benefits in excess of transmission charges. The Project will likely lead to reductions in Missourians' ultimate electric rates as compared to rates that would be paid without the Project. Further, the Project will generate significant property tax revenues for the counties through which the Project will be built, and will promote economic development in the region. As such, the Project is in the public interest. Accordingly, the Project is necessary and convenient for the public service, and ATXI has satisfied the *Tartan* criteria.

The Commission notes that the conditions in the Stipulation are virtually identical to the conditions the Commission imposed upon ATXI in the prior case involving the Project. The Commission shall grant the application, and approve the Stipulation, subject to the conditions agreed upon by the parties.⁷

⁶ *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994).

⁷ Although not requested, because the parties have arrived at the Stipulation, the Commission will cancel its November 30, 2017 Order Setting Procedural Schedule.

THE COMMISSION ORDERS THAT:

1. The application for a certificate of convenience and necessity filed by Ameren Transmission Company of Illinois on September 15, 2017, is granted, as conditioned below.

2. The Commission's November 30, 2017 Order Setting Procedural Schedule is cancelled.

3. The Unanimous Stipulation and Agreement filed on January 5, 2018, which is Exhibit 1 to this order, is approved, and the signatories of the Unanimous Stipulation and Agreement shall comply with its terms.

4. Throughout the right-of-way acquisition process, ATXI will use all reasonable efforts to abide by the depicted route on each of the 405 parcels identified as of the filing of its application as parcels over which an easement will be required, but will be allowed to deviate from the depicted route within one of the 405 parcels in two scenarios:

First, if surveys or testing do not necessitate a deviation, ATXI may deviate from the depicted route on a particular parcel if ATXI and the landowner agree, *e.g.*, upon request of the landowner and ATXI's agreement with the request. Second, if ATXI determines that surveys or testing require a deviation, ATXI will negotiate in good faith with the affected landowner and if agreement can be reached ATXI may deviate from the depicted route on that parcel, as agreed with the affected landowner. With respect to any parcel other than the 405 identified parcels where ATXI determines that testing or

surveys necessitate acquisition of an easement on that parcel, ATXI will negotiate in good faith with the landowner of the affected parcel over which ATXI has determined an easement is needed and, if agreement is reached, may deviate from the depicted route by locating the line on the affected parcel but will notify the Commission of the deviation and parcels affected prior to construction on that parcel. If agreement is not reached, despite good faith negotiations, ATXI will file a request with the Commission to allow it to deviate from the depicted route onto the affected parcel and shall, concurrently with the filing of its request with the Commission, send a copy of its request to the owner(s) of record of the affected parcel via U.S. Mail, postage prepaid, as shown by the County Assessor's records in the county where the affected parcel is located, or at such other address that has been provided to ATXI by the owner(s). ATXI shall fully explain in that request why ATXI determined the change in route is needed and file supporting testimony with its request and the name(s) and addresses of the owner(s) to whom it provided a copy of its request. After Commission notice of the opportunity for a hearing on the issue of whether the change in route should be approved is given to the owner, Staff and Public Counsel, the Commission will grant or deny the request.

5. Absent a voluntary agreement for the purchase of the property rights, the transmission line shall not be located so that a residential structure currently occupied by the property owners will be removed or located in the easement requiring the owners to move or relocate from the property.

6. Prior to the commencement of construction on a parcel, ATXI will secure an easement which will include a surveyed legal description showing the precise dimension, including the length and width, for the permanent transmission line easement area for each affected parcel. In addition, ATXI will track each easement grant by way of a spreadsheet that identifies each parcel by Grantor and County, and which contains the recording information for each parcel. Upon securing all necessary easements for the project, ATXI will file a copy of the spreadsheet with the Commission, to which a map will be attached. For each parcel, the map and the spreadsheet will include a unique indicator that allows the Commission to see where on the map that parcel is located.

7. ATXI shall follow the construction, clearing, maintenance, repair, and right-of-way practices set out in *Schedule DJB-02* attached to Douglas J. Brown's Direct Testimony.

8. ATXI shall file with the Commission in this case all required government approvals and permits—e.g., any applicable land disturbance permits, Missouri State Highway Commission permits, or US Army Corps of Engineers permits—before beginning construction on that part of the Mark Twain project where the approvals and permits are required.

9. ATXI shall file with the Commission the annual report it files with FERC.

10. Because the following rules do not pertain to ATXI due to their lack of retail customers, the Commission finds good cause to waive them, and so waives them:

Commission Rules 4 CSR 240-3.145, .165, .175, 190(1), (2), (3)(A)-(D).

11. This order shall become effective on January 20, 2018.

12. This file shall be closed on January 21, 2018.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, and
Coleman, CC., concur.
Silvey, C., abstains.

Pridgin, Deputy Chief Regulatory Law Judge